



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

August 23, 2023

BY ECF

The Honorable Analisa Torres
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312 New York, NY 10007

Re: *New York Times v. Dep't of Justice*, 23 Civ. 4402 (AT)

Dear Judge Torres:

This Office represents the defendants in this Freedom of Information Act action. Jointly with counsel for plaintiff, we write as directed by the Court's July 25 order, ECF No. 10, to provide a status report.

As noted in our previous letter, plaintiff seeks a single record—a report prepared by the Department of Justice's Office of the Inspector General ("DOJ OIG") related to its investigative findings that certain then FBI officials solicited, procured, and accepted commercial sex while on assignment overseas, among other misconduct. At the administrative stage, the government had withheld the body of the report pursuant to FOIA's exemption 7(A), which protects information compiled for law enforcement purposes that could reasonably be expected to interfere with pending or anticipated enforcement proceedings. However, due to the passage of time, that exemption no longer applies. The FBI is now reprocessing the report to remove the previous 7(A) assertions and apply any other exemptions that may apply in part. The FBI expects to complete this reprocessing by mid-September. It will then return the report to DOJ OIG for a final review and production of non-exempt portions to the plaintiff.

We respectfully propose that the parties provide a joint status report in one month, or by September 25, 2023.

Honorable Analisa Torres
August 23, 2023

Page 2

We thank the Court for its attention to this matter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Peter Aronoff
PETER ARONOFF
Assistant United States Attorney
Telephone: (212) 637-2697
Facsimile: (212) 637-2717
E-mail: peter.aronoff@usdoj.gov

Counsel for defendant

cc: counsel for plaintiff (via ECF)